

DRAFT



United States Department of Agriculture
Forest Service

Hermosa Creek Watershed Management Plan

DRAFT Decision Notice

Columbine Ranger District, San Juan National Forest,
La Plata and San Juan Counties, Colorado

Townships 36-40 North, Ranges 9-11 West, N.M.P.M.

KARA L. CHADWICK
San Juan National Forest Supervisor

Date



Table of Contents

Table of Contents	2
Background	3
Public Involvement and Tribal Consultation	3
Decision and Reasons for the Decision	4
Decision	4
Rationale, Consideration of Comments, and Other Alternatives Considered.....	5
Finding of No Significant Impact (FONSI)	6
Findings Required by Other Laws and Regulations	7
Implementation Date.....	7
Administrative Review or Objection Opportunities	8
Contact	9
Figure 2.1.1. Protected Areas.....	10
Figure 2.11. Helispots	11
Figure 2.13.1. Over-Ground Motorized Suitability	12
Figure 2.13.2. Over-Snow Motorized Suitability	13
Figure 2.14.3. Winter ROS	14
Figure 2.15. Scenic Integrity Objectives.....	15
Figure 3.5. Management Areas	16
Figure 3.6.1. Wilderness and Recommended Wilderness	17
Figure 3.6.2. Wilderness Management Prescriptions	18
Table 1. Allowable Uses in the Hermosa Creek Watershed	19
Table 2. Hermosa Creek Watershed Monitoring Plan	20

Background

The Hermosa Creek Watershed Management Plan Environmental Assessment (EA) associated with this Decision Notice documents four alternatives that were analyzed in detail for resource impacts associated with a Management Plan for the Hermosa Creek watershed, which will result in a Forest Plan amendment. The EA can be obtained at the Columbine District Office or online (see contact information at the bottom of this document). The project area is located on the Columbine Ranger District of the San Juan National Forest. The project area encompasses approximately 107,900 acres of federal lands within the Hermosa Creek watershed, which is located north of Durango, within La Plata and San Juan Counties, Colorado, Townships 36-40 North, Ranges 9-11 West, N.M.P.M.

Project level decisions being made concurrently, are discussed in the *Hermosa Creek Watershed Recreation and Travel Management Project Decision Notice*, being prepared alongside this plan-level decision. Through the use of a single EA with coordinated analysis, the Forest Service (FS) has ensured that both planning level and project level decisions are compatible, and that both decisions are consistent with the existing Forest Plan and with the purposes, prohibitions, and requirements of the legislation.

Public Involvement and Tribal Consultation

The proposal was listed in the SJNF's Schedule of Proposed Actions beginning in March 2015. An open house and a public meeting were held in March 2015 to set the stage for the planning process to come, and to solicit public input on issues, concerns, and opportunities that should be addressed in the Hermosa Plan. Press releases, emails, and direct mailing of letters were also utilized to solicit input. Four public field trips were held throughout the watershed in the summer of 2015, to observe and discuss issues and uses on the ground. One public winter field trip was also held in February 2016. In June 2016, an *Initial Draft Proposed Action* document was released, laying out the FS's ideas of what the Hermosa Plan should include in the way of Forest Plan amendments and recreation and travel management proposals. Official scoping concluded in October 2016.

Opportunities for public comment continued for a 30-day period beginning in June 2017 following the issuance of the EA in pre-decisional draft form. The comment period was announced with a press release, direct mailing to those who previously showed interest, and a legal notice in the *Durango Herald* newspaper. A public meeting was also held on June 22, 2107, and for the first time on the SJNF, an on-line interactive mapping website was provided with the option to submit comments through that format. Comments in response to the draft EA were received from about 80 sources. A FS response to those comments is posted on the website, located in the project file, and available upon request. Key comments and how they were considered in this decision are discussed below in the rationale section of this Decision Notice.

Tribal consultation with approximately 26 tribes and pueblos that are culturally affiliated and traditionally associated with the SJNF has occurred, beginning with scoping and continuing throughout the planning process. Several field trips and presentations to tribal representatives were held, and comments from three tribes or pueblos have been received.

Decision and Reasons for the Decision

Decision

The need for this management plan and resulting Forest Plan amendment is to comply with a requirement in the enabling Hermosa Watershed Protection legislation (P.L. 113-291) “to develop a management plan for the long-term protection and management of the SMA that takes into account public input, and provides for recreational opportunities to occur within the SMA, including skiing, biking, hiking, fishing, hunting, horseback riding, snowmobiling, motorcycle riding, off-highway vehicle use, snowshoeing, and camping.”

Based upon my review of the EA, the project record, and the comments received during the 30-day public comment period, I have selected Alternative 2, the Proposed Action. In brief, this Decision authorizes the following key management actions:

- Addition of watershed-specific Forest Plan components of desired conditions, objectives, standards, and guidelines (EA pages 23-58, Alternative 2), including these key items:
 - a guideline for 1:1 no net gain in trail miles.
 - desired conditions and objectives related to managing vegetation for long-term resiliency.
 - an objective to maintain helispots in the Special Management Area (Figure 2.11).
- Expands over-ground motorized suitability (Figure 2.13.1).
- Expands over-snow motorized suitability (Figure 2.13.2), and corresponding winter ROS (Figure 2.14.3).
- Eliminates all remaining recommended wilderness in the watershed (Figure 3.6.1), which correspondingly affects mapping of Protected Areas (Figure 2.1.1), Scenic Integrity Objectives (Figure 2.15), and Management Areas (Figure 3.5).
- Applies most Weminuche Wilderness Plan guidance, and sets wilderness management prescription areas, to the Hermosa Creek Wilderness (Figure 3.6.2).
- Defines Allowable Uses in the different areas of the watershed (Table 1).
- Includes the required application of a monitoring plan for the watershed (Table 2).

Further details about the Selected Alternative can be found in the description of Alternative 2 in the EA (pages 18-66).

I wish to clarify that some items in the existing Forest Plan were superseded by the legislation at the time it was signed, and changes to the Plan will be made as non-discretionary administrative changes at the same time as the amendments in this decision. These items are identified throughout the EA and include some legislatively required components, and timber suitability, summer ROS, oil and gas leasing availability and stipulations, and wilderness.

I also wish to clarify the guideline (EA 3.28.59) regarding 1:1 no net gain of over-ground trail miles. I understand that this guideline has caused concern in the public because of the misconception that it would never allow new trails to be added. Guidelines as defined in the Forest Plan allow some flexibility in approach as conditions change and new information is obtained, and can be waived on a case-by-case basis. Therefore, deviations are allowed, and adding new trails in the future remains an option, but only after thoughtful deliberation and documentation by the decision maker.

Rationale, Consideration of Comments, and Other Alternatives Considered

I considered four alternatives in detail, including the Proposed Action. Factors I considered in making my decision included the need for the action, analysis of impacts by FS staff specialists, consequences of implementing each item of each alternative, best available science used in the analysis, and issues and public comments.

I selected the Proposed Action (Alternative 2) because when compared to the other alternatives, it will best meet the need for the project and the purposes of the legislation, while providing a balance of recreational opportunities, and will help implement Desired Conditions found in the Forest Plan.

I did not choose Alternative 1, No Action, because it would not meet the requirement of the legislation to develop a management plan within three years, or to enact the purposes, prohibitions, and requirements of the legislation. The No Action Alternative is the existing condition and was used as a basis for comparison of impacts between the alternatives.

Alternatives 2 and 3 are alike in most aspects. However, I did not choose Alternative 3, Emphasis on Active Management, because it does not include the guideline (EA 3.28.59) regarding no net gain in trail miles. I feel it is important to include this guideline as part of my decision for reasons given in the *Response to Comments, Expanded Response #3*. Another reason I did not chose Alt. 3 is because the guideline (EA 3.28.63) regarding stream health is weaker in this alternative and would provide less protection from grazing impacts. Since watershed protection was the key factor in the initiation of the legislation, I feel the stronger guideline is appropriate. I did choose the guideline (EA 3.28.94) that allows camping closer to streams in the Hermosa Wilderness than in the Weminuche Wilderness because the topography in the Hermosa does not provide very many suitable flat campsites except in drainage bottoms. My rationale for choosing the over-snow suitability configuration in Alternative 2 is explained in detail in the *Response to Comments, Expanded Response #5*, but generally is to provide an area that has been traditionally used with no unacceptable resource impacts.

I did not choose Alternative 4, Emphasis on Less Disturbance, because it does not include the desired condition (EA 3.28.5) establishing the desired percentage of vegetation structural stages, or objectives emphasizing maintaining resiliency and diversity of forests (EA 3.28.6- 3.28.10). I feel these are important goals for the watershed in light of the importance of managing vegetation on the health of the watershed. This alternative also does not contain the objectives emphasizing the importance of reforestation (EA 3.28.36 and 3.28.37), which will help meet the purposes of the legislation for protection of multiple resources. I also feel that the suitable over-snow acres in Alternative 4 are fewer and would not provide enough opportunity for motorized winter recreation, and the guideline (EA 3.28.59) regarding a net reduction in trail miles would not balance recreation need with other needs.

I closely considered comments that were received from the public. Please refer to the *Response to Comments* document for a point-by-point response. I feel I have adequately considered and responded to each comment in that document and do not need to repeat rationale here.

Finding of No Significant Impact (FONSI)

After considering the environmental effects described in the EA, I have determined that these actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. I base my finding on the following:

1. My finding of no significant environmental effects is not biased by the beneficial effects of the Forest Plan amendment.
2. There will be no significant effects on public health and safety, because the Forest Plan amendment does not contain any components related to health and safety.
3. There will be no significant effects on unique characteristics of the area, because there are no prime or unique farmlands, Wild and Scenic Rivers, or parklands in the project area (EA p.99). Impacts to other unique characteristics such as historic or cultural resources, wetlands, Colorado Roadless Areas, wilderness, and the SMA are described in the EA analyses (Section 5.0); none of these resources will incur significant impacts from the Forest Plan amendment.
4. The effects on the quality of the human environment are not likely to be highly controversial. There were, of course, some concerns about some of the proposed Forest Plan components, but the controversy was about the proposal itself, not about the scientific effects of the proposal.
5. The FS has considerable experience with the types of guidance included in the Forest Plan Amendment. The effects analysis shows the effects are not uncertain, and do not involve unique or unknown risk (EA Section 5.0 Environmental Analysis of Impacts).
6. The action is not likely to establish a precedent for future actions with significant effects, because future decisions will require their own analyses.
7. The cumulative impacts are not significant (EA Cumulative Effects discussions in EA Section 5.0).
8. The FS determined, and SHPO concurred, existing cultural and historic resources in the watershed are not currently being impacted by management under Forest Plan guidance, and the Forest Plan amendment will provide even better protection (EA p. 172).
9. Biological Assessments were conducted for plants, fish, and animals, and it was determined that the Forest Plan amendment will have no effect on any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species act of 1973 (EA pages 133, 139, 148). The USFWS concurred with these findings.
10. The Forest Plan amendment will not violate known Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA (EA Section 5.0). The action is consistent with the San Juan National Forest Land and Resource Management Plan.

Findings Required by Other Laws and Regulations

The Hermosa Creek Watershed Protection legislation (P.L. 113-291) provides the framework for the amendment proposed here, and the Columbine District is undertaking the amendment in order to meet the requirement of the legislation to develop a management plan the Hermosa Special Management Area.

This decision to authorize the Forest Plan amendment is consistent with the intent of the existing Forest Plan's long term Desired Conditions and Objectives. The amendment was designed in conformance with existing land and resource management plan Standards and Guidelines, and adds new watershed-specific plan components and mapping.

The FONSI summarizes why the amendment will not have a significant effect on the quality of the human environment. The FONSI includes a discussion of the context and intensity of the amendment impacts, and how the amendment is in conformance with other laws and regulations.

The amendment complies with requirements of the National Environmental Policy Act, the Clean Air Act, the Clean Water Act, the National Forest Management Act, the Endangered Species Act, and the National Historic Preservation Act.

The amendment is in compliance with Executive Order 12898 on Environmental Justice. According to US Census Bureau 2010 data, the populations of Archuleta County, La Plata County, Durango, Bayfield, and Ignacio are not predominantly minority or low-income populations.

All practical means to avoid or minimize environmental harm have been adopted in the design of the selected alternative. My conclusion is based on an evaluation of the record that shows a thorough review of relevant scientific information, a consideration of responsible opposing views, and the acknowledgement of incomplete or unavailable information, scientific uncertainty, and risk. The environmental analyses disclosed in the EA identify the effects analysis methodologies, reference scientific sources which informed the analysis, and disclose limitations of the analysis.

Implementation Date

Regulations at 36 CFR 219 provide for a pre-decisional administrative review (objection) rather than a post-decisional appeal process. Pursuant to 36 CFR 219.58, if objections are received, I may not sign the Decision Notice until the Reviewing Officer has responded in writing to all pending objections. Based on the discussions and findings in that review, I will issue a final decision. My decision will be consistent with the final review on the project.

If no objections are received, I may sign the Decision Notice five business days after the close of the objection filing period. Implementation may begin immediately after the decision notice is signed.

Administrative Review or Objection Opportunities

This draft decision is subject to administrative review (objection) pursuant to 36 CFR 219 Subpart B.

After this draft Decision Notice/FONSI and Final EA are made available to the public, a legal notice announcing the objection period for this amendment will be published in the *Durango Herald*, which is the newspaper of record. Objections must be submitted within 45 calendar days following the publication of this notice in the *Durango Herald*. The publication date in the newspaper of record is the exclusive means for calculating the time to file an objection. Those wishing to object should not rely upon dates or timeframe information provided by any other source. The regulations prohibit extending the time to file an objection.

Objections will only be accepted from those who have previously substantive formal comments related to the plan amendment during scoping or other designated opportunity for public comment in accordance with 36 CFR 219.53. Objections must be based on previously submitted substantive formal comments attributed to the objector unless the objection concerns an issues that arose after the opportunities for formal comments.

Objections, including attachments, must be in writing and filed with the Objection Reviewing Officer as follows:

Postal service and street delivery address:

Objection Reviewing Officer
US Forest Service Rocky Mountain Region
1617 Cole Blvd, Building 17
Golden, CO 80401

Hand-delivery is accepted Monday through Friday, 8:00 a.m. to 4:30 p.m., excluding holidays.

or FAX: (303) 275-5134

or Email: r02admin_review@fs.fed.us

Electronically mailed objections must be submitted in an email message, plain text (.txt), Word (.doc or .docx), Portable Document Format (.pdf), or Rich Text Format (.rtf) file formats.

The objection must contain the minimum content requirements specified in 36 CFR 219.54 and incorporation of documents by reference is permitted only as provided in 36 CFR 219.54(b). It is the objector's responsibility to demonstrate compliance with requirements for objection pursuant to 36 CFR 219.53. All objections are available for public inspection during and after the objection process.

At a minimum an objection must include the following (36 CFR 219.54(c)):

- 1) the objector's name and address, with a telephone number or email, if available;
- 2) a signature or other verification of authorship upon request (a scanned signature for Email may be filed with the objection);
- 3) when multiple names are listed on an objection, identification of the lead objector (verification of the identity of the lead objector shall be provided upon request);
- 4) the name of the plan amendment, the name and title of the Responsible Official; and

- 5) a statement of the issues and/or the parts of the plan amendment to which the objection applies; and
- 6) a concise statement explaining the objection and suggesting how the proposed plan decision may be improved. If applicable, the objector should identify how the proposed plan amendment is inconsistent with law, regulation, or policy; and
- 7) a statement that demonstrates the link between prior substantive formal comments attributed to the objector and the content of the objection.

Contact

For additional information concerning this decision, amendment details, to obtain a copy of the EA or draft DN/FONSI, or to obtain information about the Forest Service objection process, contact Matt Janowiak or Cam Hooley at Columbine Ranger District, POB 439, Bayfield, CO 81122, (970) 884-2512.

You may download the EA and other relevant documents from <https://www.fs.usda.gov/project/?project=43010>.

Legend

- Hermosa Creek Watershed Project Boundary
- Research Natural Areas
- Recommended Wilderness
- Designated Wilderness
- Colorado Roadless Area - Upper Tier
- Colorado Roadless Area

Hermosa Creek Watershed Management Plan
Protected Areas
Figure 2.1.1
Decision Notice

Figure 2.11. Helispots

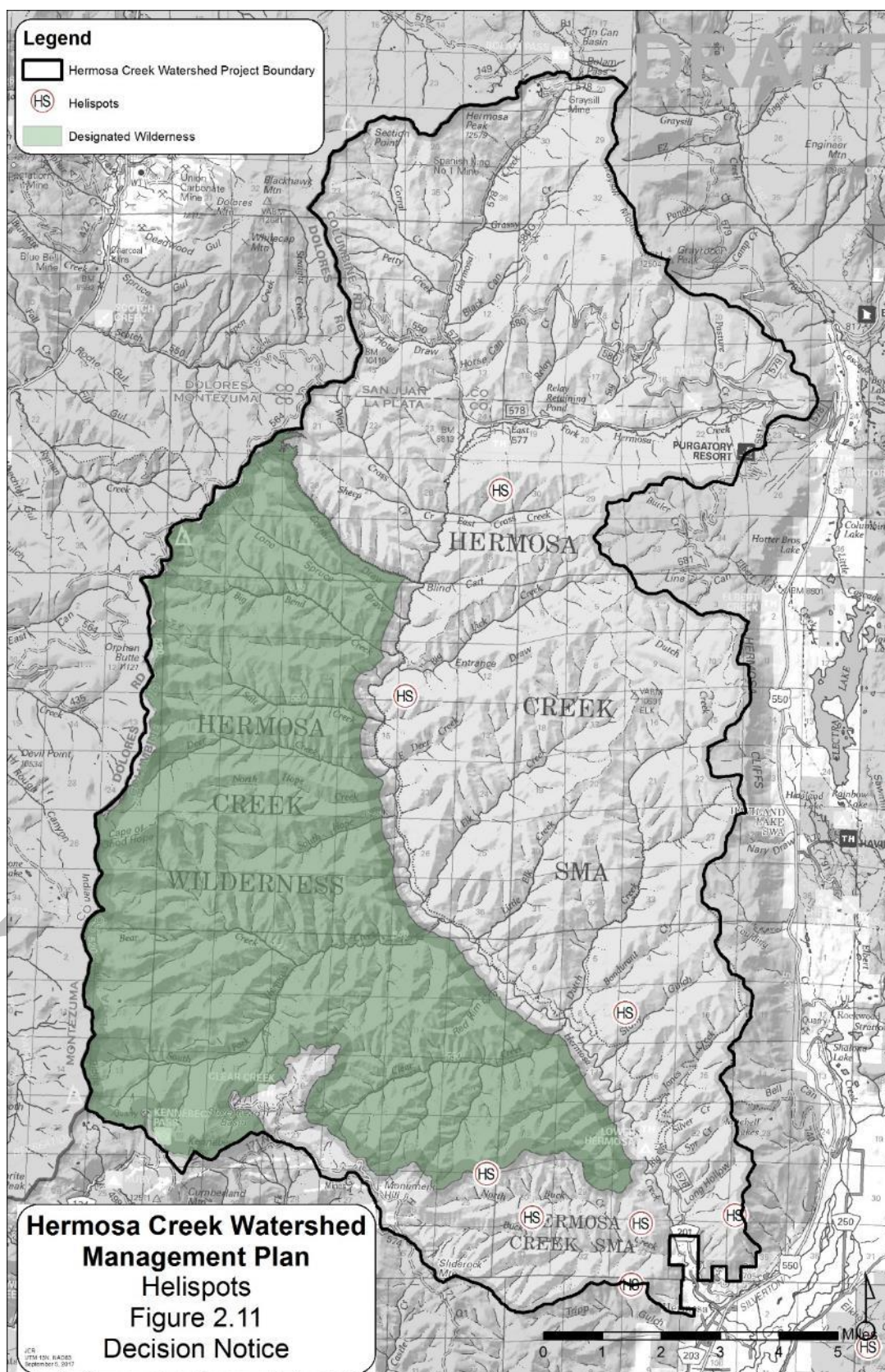


Figure 2.13.1. Over-Ground Motorized Suitability

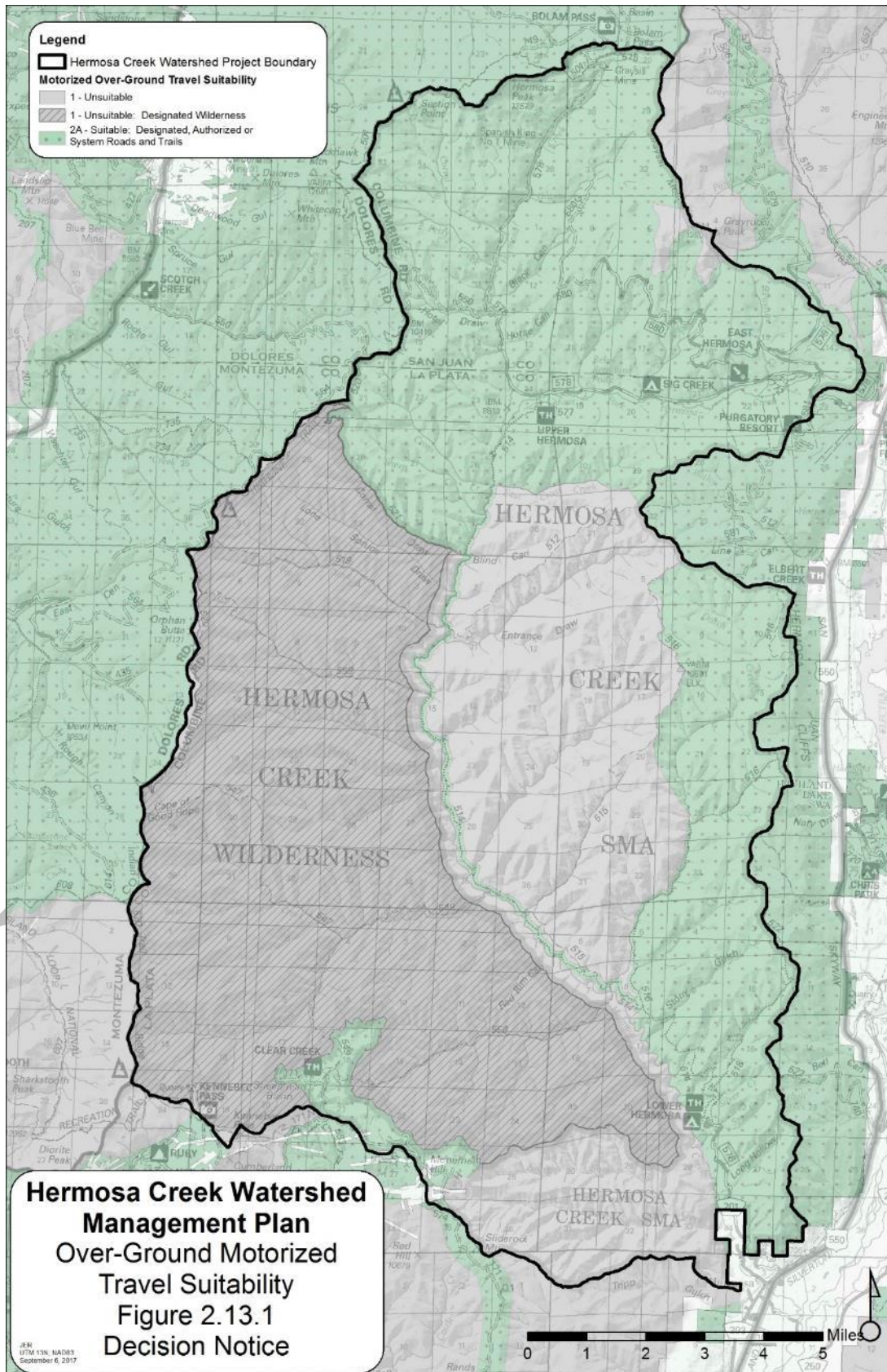


Figure 2.13.2. Over-Snow Motorized Suitability

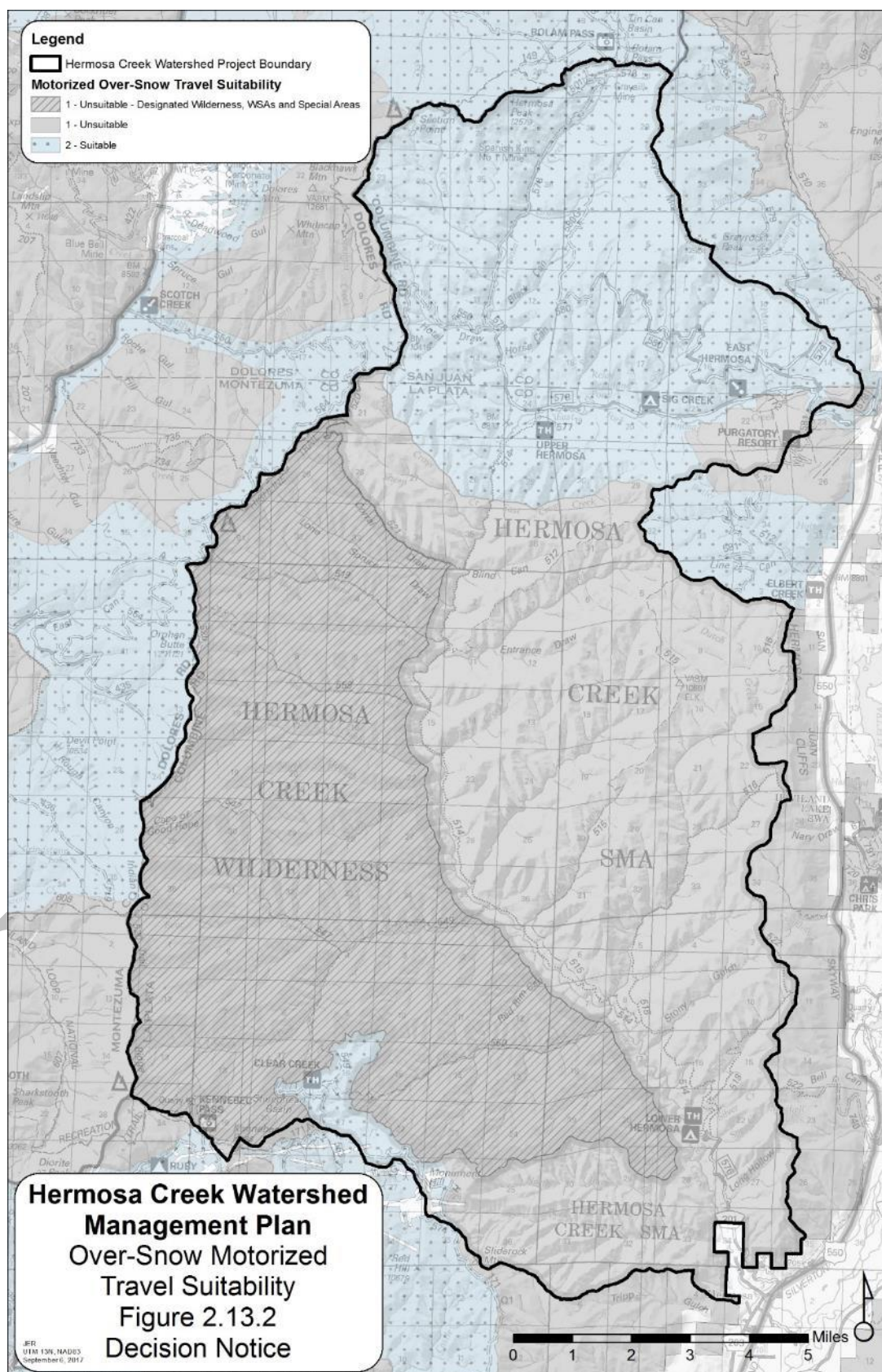


Figure 2.14.3. Winter ROS

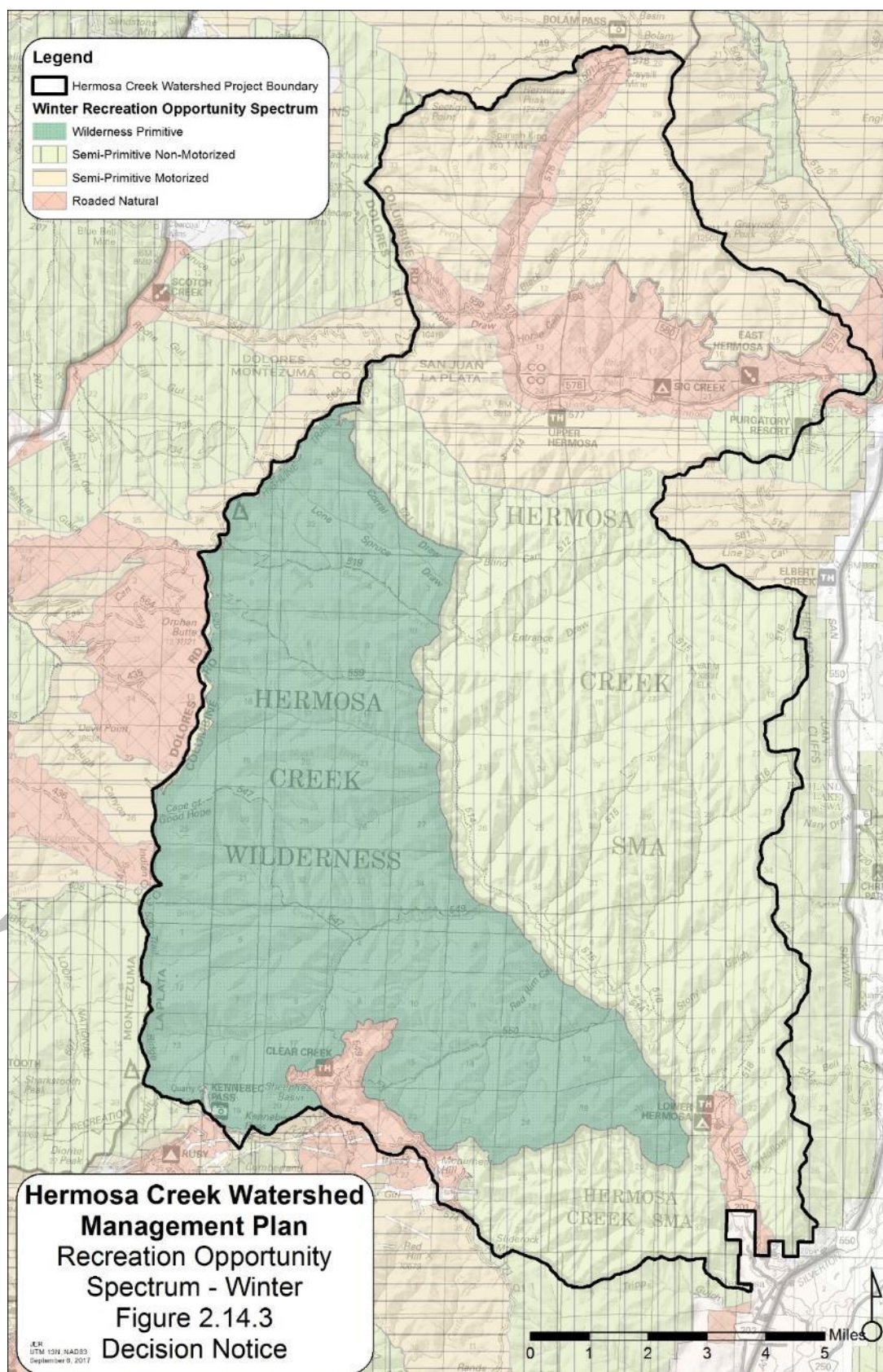


Figure 2.15. Scenic Integrity Objectives

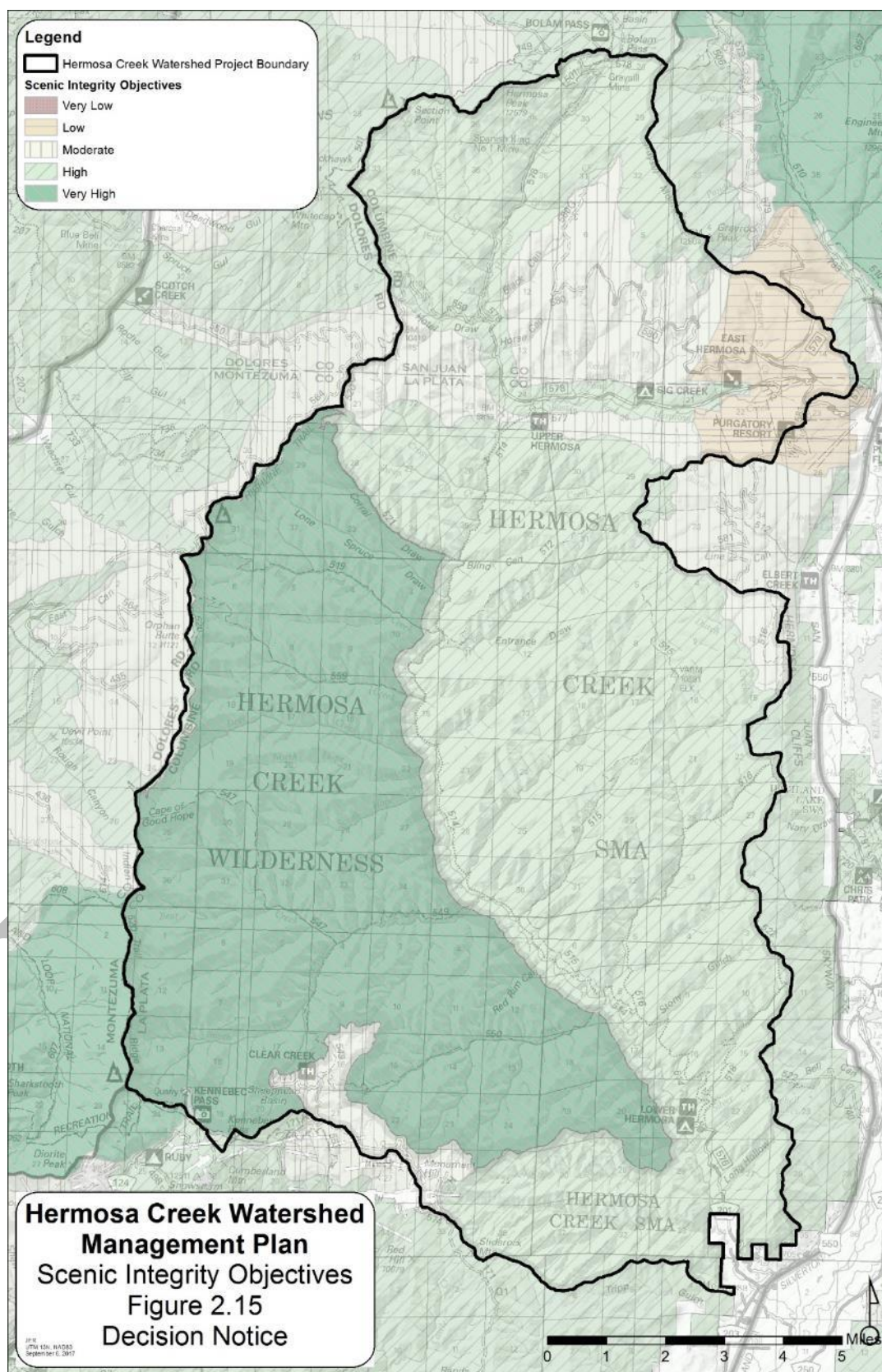


Figure 3.5. Management Areas

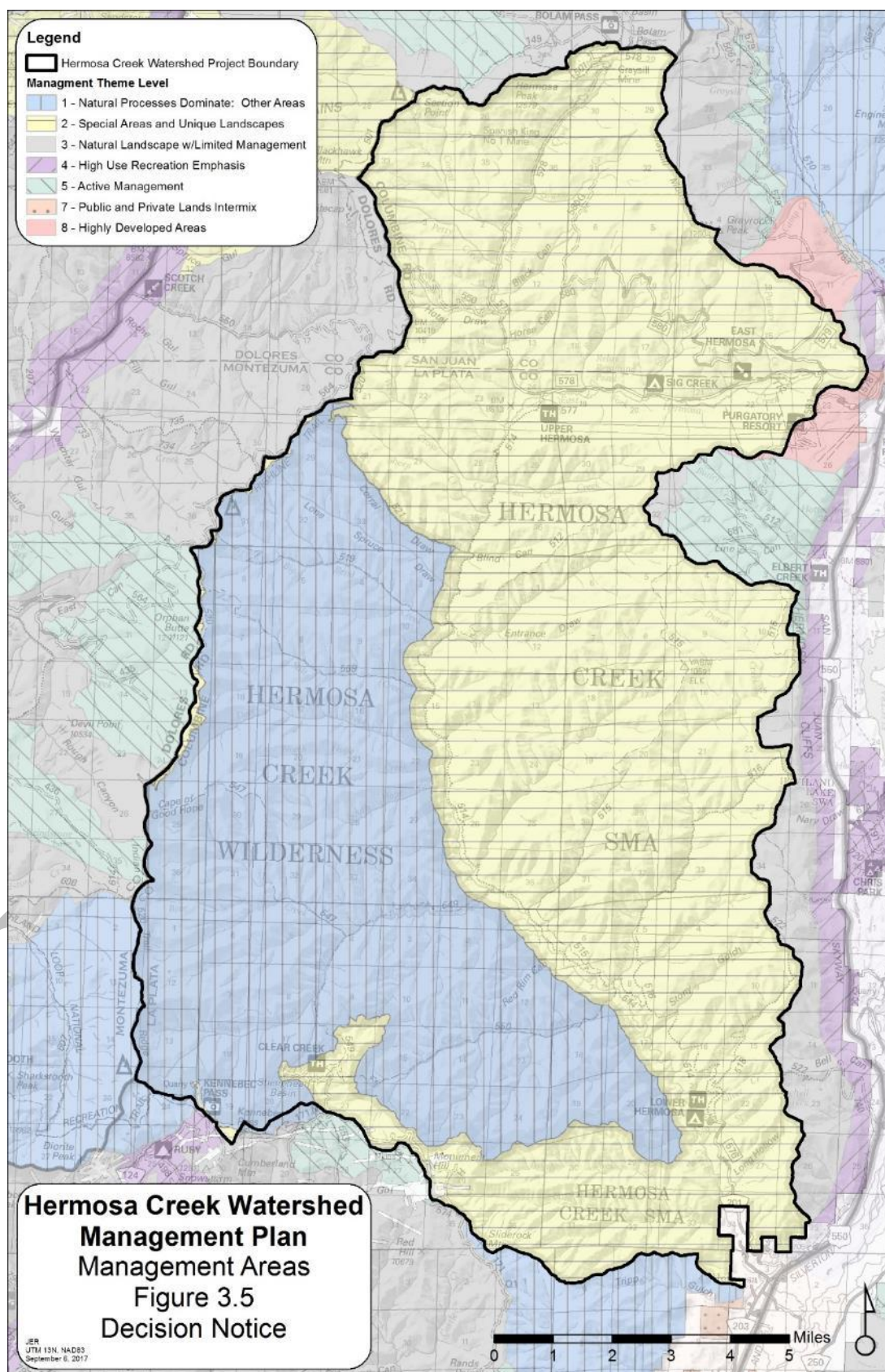


Figure 3.6.1. Wilderness and Recommended Wilderness

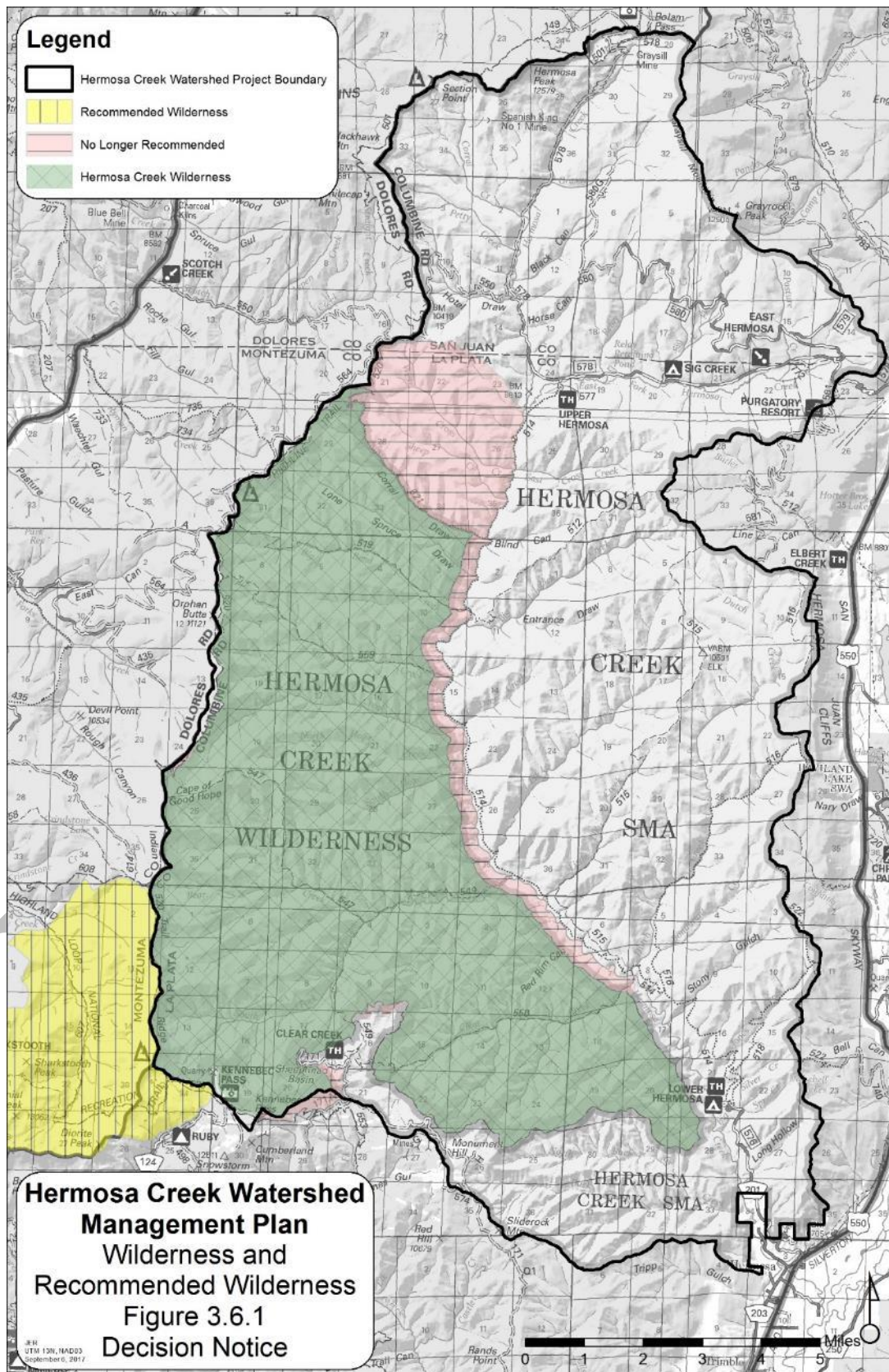


Figure 3.6.2. Wilderness Management Prescriptions

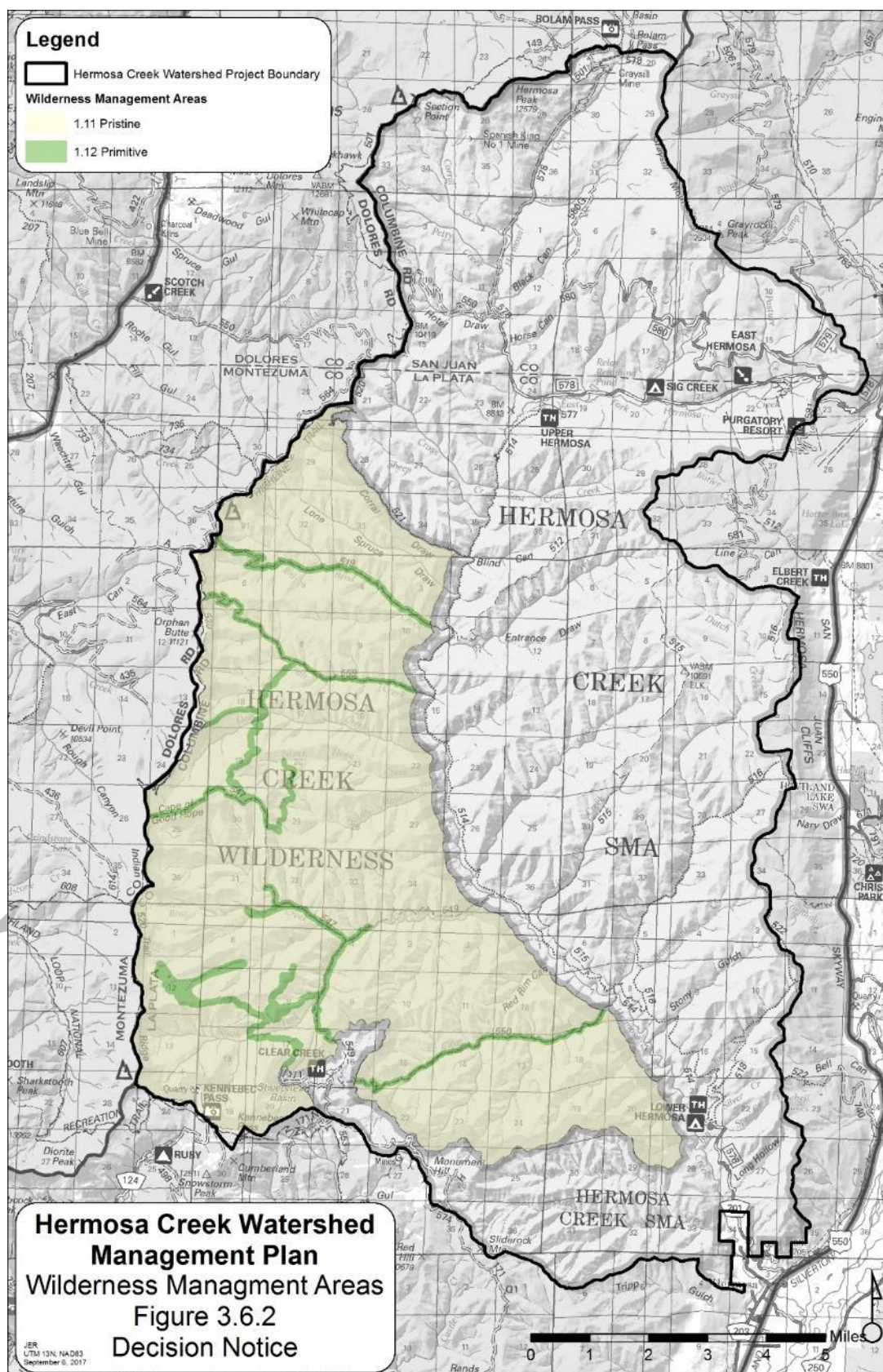


Table 1. Allowable Uses in the Hermosa Creek Watershed

Management Activities and Use	Wilderness	RNA	East Hermosa Area & Roadless Areas	Remainder of the SMA
Fire managed for resource benefit	Allowed	Allowed	Allowed	Allowed
Prescribed burning	Restricted - allowed as in Forest Plan	Restricted - allowed as in Forest Plan	Allowed	Allowed
Mechanical fuels treatment	Prohibited	Prohibited	Restricted—allowed as in Roadless Rule	Allowed
Timber production (scheduled on a rotation basis)	Prohibited	Prohibited	Prohibited	Prohibited
Timber harvesting as a tool	Prohibited	Prohibited	Restricted—allowed as in Roadless Rule	Restricted to purposes of the legislation
Commercial use of special forest products and firewood	Prohibited	Prohibited	Restricted—allowed as in Roadless Rule	Restricted to purposes of the legislation
Lands Special Use authorizations, ROWs and utility corridors.	Restricted - allowed as in Forest Plan	Restricted to purposes of the RNA.	Restricted—allowed as in Roadless Rule	Restricted to purposes of the legislation
Recreation Special Uses	Restricted to Outfitter/Guides	Restricted to Outfitter/Guides	Allowed	Allowed
Livestock grazing (term permits)	Prohibited by previous NEPA decision, except Divide Allot.	Prohibited by previous NEPA decision	Allowed	Allowed
Facilities	Restricted - allowed as in Forest Plan	Prohibited	Restricted—allowed as in Roadless Rule	Allowed
Motorized transport (summer)	Prohibited	Prohibited	Restricted to designated routes	Restricted to designated routes
Motorized transport (winter)	Prohibited	Prohibited	Restricted to designated areas	Restricted to designated areas
Mechanical transport (summer)	Prohibited	Prohibited	Restricted to designated routes	Restricted to designated routes
Mechanical transport (winter)	Prohibited	Prohibited	Restricted to designated routes or areas	Restricted to designated routes or areas
Non-motorized transport (summer and winter)	Allowed	Allowed	Allowed	Allowed
Road construction (permanent or temporary)	Prohibited	Prohibited	Restricted—allowed as in Roadless Rule	Allowed
Minerals – leasable federal (oil and gas, and other)	Prohibited	Prohibited	Prohibited	Prohibited - except for A and B, and valid existing rights
Minerals – locatable federal	Prohibited	Prohibited	Prohibited	Prohibited - except for Parcels A and B, and valid existing rights
Minerals – saleable federal (materials)	Prohibited	Prohibited	Prohibited	Prohibited - except for Parcels A and B, valid existing rights and admin. use

Table 2. Hermosa Creek Watershed Monitoring Plan

Status of Select Watershed Conditions					
Monitoring Question	Desired Conditions and Objectives	Indicators	Scale	Frequency of Reporting	Sources and/or Partners
Are stream conditions stable or moving towards desired conditions?	DC 3.28.18 The East Fork of the Hermosa and the reach of Hermosa Creek just above the East Fork confluence, and their riparian corridors, are in a ‘Robust’ stream health category, as defined in the Watershed Conservation Practices Handbook.	Number of sites monitored, and number in Robust condition.	site or reach	5-10 years	unit reporting
		Snow compaction and mechanical impacts from over-snow motorized vehicles during low snow conditions	East Fork of Hermosa Park	Twice a year	Unit reporting
Status of Fish Species					
Are non-native trout effectively excluded from CRCT occupied habitat, ensuring CRCT long-term persistence?	DC 3.28.22 Natural and manmade barriers to upstream fish migration adequately protect CRCT populations while allowing for stream reaches large enough to support long term population viability. DC 3.28.23 Manmade barriers to upstream fish migration within CRCT habitat are maintained to ensure effectiveness.	Number of CRCT stream segments with no non-native trout.	Hermosa watershed	3-5 years	unit reporting, CPW